

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 517**

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**Introduced by Assembly Member Gallagher**

February 23, 2015

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An act to amend Section 51938 of the Education Code, relating to sexual health and ~~HIV/AIDS prevention~~ education.

### LEGISLATIVE COUNSEL'S DIGEST

AB 517, as amended, Gallagher. The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act: educational materials.

Existing law, the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, consisting of age-appropriate instruction, in any of kindergarten and grades 1 to 12, inclusive, and requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as specified. Existing law requires each school district to notify parents and guardians about its plan to provide this instruction for the upcoming year and to inform them, among other things, that written and audiovisual educational materials used in this instruction are available for inspection and of the name of the organization or affiliation of any guest speaker.

This bill would require a school district to provide a parent or guardian with ample time to inspect any written or audiovisual educational material used in comprehensive sexual health education and HIV/AIDS prevention education and would authorize a parent or guardian to make

copies of any such written educational material that has been or will be presented by an outside consultant or guest speaker. The bill would also require a school district to inform parents and guardians of their right to make these copies and of the ~~relevant credentials~~ *training in comprehensive sexual health education and HIV/AIDS prevention education* of ~~any~~ each outside consultant or guest speaker providing this instruction.

Because this bill would require local educational agencies to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51938 of the Education Code is amended  
2 to read:  
3 51938. A parent or guardian of a pupil has the right to excuse  
4 their child from all or part of comprehensive sexual health  
5 education, HIV/AIDS prevention education, and assessments  
6 related to that education, as follows:  
7 (a) At the beginning of each school year, or, for a pupil who  
8 enrolls in a school after the beginning of the school year, at the  
9 time of that pupil's enrollment, each school district shall notify  
10 the parent or guardian of each pupil about instruction in  
11 comprehensive sexual health education and HIV/AIDS prevention  
12 education and research on pupil health behaviors and risks planned  
13 for the coming year. The notice shall do all of the following:  
14 (1) Advise the parent or guardian that written and audiovisual  
15 educational materials used in comprehensive sexual health  
16 education and HIV/AIDS prevention education are available for  
17 inspection and that during this inspection a parent or guardian may  
18 make copies at the parent's or guardian's pupil's school of any

1 written educational material that is not copyrighted that has been  
2 or will be presented by an outside consultant or guest speaker.

3 (2) Advise the parent or guardian whether the comprehensive  
4 sexual health education or HIV/AIDS prevention education will  
5 be taught by school district personnel or by outside consultants.  
6 A school district may provide comprehensive sexual health  
7 education or HIV/AIDS prevention education, to be taught by  
8 outside consultants, or may hold an assembly to deliver  
9 comprehensive sexual health education or HIV/AIDS prevention  
10 education by guest speakers, but if ~~it~~ *the school district* elects to  
11 provide comprehensive sexual health education or HIV/AIDS  
12 prevention education in either of these manners, the notice shall  
13 include the date of the instruction, the name of the organization  
14 or affiliation of each outside consultant and guest speaker, the  
15 ~~relevant credentials~~ *training in comprehensive sexual health*  
16 *education and HIV/AIDS prevention education* of each outside  
17 consultant and guest speaker, and information stating the right of  
18 the parent or guardian to request a copy of this section, Section  
19 51933, and Section 51934. If arrangements for this instruction are  
20 made after the beginning of the school year, notice shall be made  
21 by mail or another commonly used method of notification, no  
22 fewer than 14 days before the instruction is delivered.

23 (3) Include information explaining the parent's or guardian's  
24 right to request a copy of this chapter.

25 (4) Advise the parent or guardian that the parent or guardian  
26 may request in writing that his or her child not receive  
27 comprehensive sexual health education or HIV/AIDS prevention  
28 education.

29 (b) A school district shall provide a parent or guardian, upon  
30 request, ample time to inspect any written or audiovisual  
31 educational material used in comprehensive sexual health education  
32 and HIV/AIDS prevention education. A parent or guardian may,  
33 during inspection, make copies at the parent's or guardian's pupil's  
34 school of any written educational material that is not copyrighted  
35 that has been or will be presented by an outside consultant or guest  
36 speaker.

37 (c) Notwithstanding Section 51513, anonymous, voluntary, and  
38 confidential research and evaluation tools to measure pupils' health  
39 behaviors and risks, including tests, questionnaires, and surveys  
40 containing age-appropriate questions about the pupil's attitudes

1 concerning or practices relating to sex may be administered to any  
2 pupil in grades 7 to 12, inclusive, if the parent or guardian is  
3 notified in writing that this test, questionnaire, or survey is to be  
4 administered and the pupil's parent or guardian is given the  
5 opportunity to review the test, questionnaire, or survey and to  
6 request in writing that his or her child not participate.

7 (d) The use of outside consultants or guest speakers as described  
8 in paragraph (2) of subdivision (a) is within the discretion of the  
9 school district.

10 SEC. 2. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.